



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 2, 1998

Ms. Tracy Petrie
City Clerk
City of Bellaire
7008 South Rice Avenue
Bellaire, Texas 77401-4495

OR98-2556

Dear Ms. Petrie:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119209.

The City of Bellaire received a request for the "letter from Rufus Summers to John Pope responding to charges made by Robert Moorman in 8/4/98 Southwest News." You contend that the responsive document is excepted from required public disclosure by section 552.111 of the Government Code. We have considered the exception you claim and have reviewed the document at issue.

You argue that the document at issue is a draft and is not a completed report by a governmental body. In Open Records Decision 559 (1990), this office concluded that a preliminary draft of a document that is intended for public release in a final form necessarily represents the advice, opinion, and recommendation of the drafter as to the form and content of the final document and as such could be withheld pursuant to the statutory predecessor to section 552.111. However, subsequent to issuance of Open Records Decision No. 559 (1990), this office determined that section 552.111 excepts only advice, opinion, or recommendation intended for use in a governmental entity's policy-making processes.

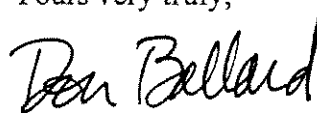
[T]o come within the [section 552.111] exception, information must be related to the *policymaking* functions of the governmental body. An agency's policymaking functions do not encompass routine internal administrative and personnel matters [Emphasis in original.]

Open Records Decision No. 615 at 5 (1993) at 5. Consequently, in the wake of Open Records Decision No. 615 (1993), section 552.111 now excepts draft documents only to the

extent that the draft documents pertain to the policymaking function of the governmental body. After reviewing the draft that you submitted, we conclude that you may withhold it under section 552.111 if the document is intended for public release in a final form. If the letter is not intended for public release in a final form or was never publicly released, you may not withhold it in its entirety under section 552.111. You may, however, withhold the portions we have marked that reflect advice, opinion, or recommendation.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Don Ballard". The signature is written in a cursive, slightly slanted style.

Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref: ID# 119209

Enclosures: Marked document

cc: Ms.Charlotte Aguilar
4511 Park Court
Bellaire, Texas 77401
(w/o enclosures)